

PRODUCT: Samples of this product were found to contain an average of 7.5 pits per 20 ounces.

LABEL, IN PART: "R. S. P. Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), partially pitted cherries had been substituted for red sour pitted cherries.

Misbranding, Section 403 (a), the label statement, "R. S. P. Cherries," was false and misleading since it represented and suggested that the product consisted of red sour pitted cherries.

DISPOSITION: April 9, 1946. A plea of nolo contendere having been entered, a fine of \$150 and costs was imposed.

9100. Adulteration of frozen cherries. U. S. v. 18 Cans of Frozen Cherries. Default decree of condemnation and destruction. (F. D. C. No. 16008. Sample No. 32052-H.)

LIBEL FILED: May 5, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about February 10, 1945, by Van de Kamp, from Chicago, Ill.

PRODUCT: 18 50-pound cans of frozen cherries at Los Angeles, Calif.

LABEL, IN PART: "Reynolds Bros. Sturgeon Bay."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food since it was contaminated with refrigerator brine which was not intended for food use and which is not ordinarily prepared and handled under conditions befitting a food ingredient.

DISPOSITION: May 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9101. Adulteration of dates. U. S. v. 68 Lugs of Dates. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16244. Sample Nos. 14611-H, 14612-H.)

LIBEL FILED: May 25, 1945, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 31, 1945, from the State of California into the State of Michigan.

PRODUCT: 60 50-pound lugs and 8 15-pound lugs of dates at Detroit, Mich., in the possession of the Detroit Harbor Terminals. The product was stored under insanitary conditions after shipment. Rodent pellets were observed on the lugs, and examination showed that the product contained rodent excreta and rodent-chewed dates.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 12, 1945. The Detroit Harbor Terminals, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

9102. Adulteration of dates. U. S. v. 214 Boxes of Dates (and 2 other seizure actions against dates). Default decrees of destruction. (F. D. C. Nos. 15818 to 15821, incl., 15856, 15974. Sample Nos. 20179-H, 20183-H, 21018-H.)

LIBELS FILED: Between the approximate dates of March 31 and June 5, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about February 27 and March 13, 1945, by T. M. Duche and Sons, Inc., from New York, N. Y.

PRODUCT: 248 70-pound boxes of dates at Kansas City, Mo.

LABEL, IN PART: "Sphinx Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, beetles, larvae, insect excreta, and dirt.

DISPOSITION: September 24 and October 18, 1945. No claimant having appeared, judgments were entered ordering the product destroyed.